

Issued January 25, 1912.

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 1233.

(Given pursuant to section 4 of the Food and Drugs Act.)

MISBRANDING OF COFFEE.

In January and February, 1911, the United States Attorney for the Western District of Louisiana, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels against the following products: 60 cases of coffee in the possession of Sugar Bros. Co. (Ltd.), Monroe, La.; 10 cases of coffee in the possession of Hicks Co. (Ltd.), Shreveport, La.; 22 cases of coffee in the possession of Sugar Bros. Co. (Ltd.), Monroe, La.; 100 cases of coffee in the possession of Crawford, Jenkins & Booth (Ltd.), Shreveport, La.; 8 cases of coffee in the possession of Crawford, Jenkins & Booth (Ltd.), Shreveport, La. The label on the product was identical in each case, with the exception of the name of the consignee, and was as follows: "The Original Javaland. International Coffee Company, Houston, Texas," on the shipping cases, and each can in said case was labeled: "The Original Javaland," and in very small type immediately below the central design on the case, as follows: "Coffee, Chicory and Cereal. International Coffee Company, Importers, Roasters, Houston, Texas." On back of each can appeared the following: "Javaland is guaranteed to be superior in every respect to any brand of coffee on the market and requires but one-half the usual amount to make a most elegant drink. The price recommends it to all and a trial only is necessary to substantiate our claims."

Examinations of samples of said coffee taken from each consignment, made by the Bureau of Chemistry of the United States Department of Agriculture, showed it to contain 40 per cent Rio coffee, 40 per cent chicory and 20 per cent cereal. The libels alleged that the coffee, after shipment by the International Coffee Co., Houston, Tex., from the State of Texas into the State of Louisiana, remained in the original unbroken packages and was misbranded in

violation of the Food and Drugs Act of June 30, 1906, and was, therefore, liable to seizure for confiscation. Misbranding was alleged for the reason that the labels were false and misleading and calculated to mislead and deceive the purchaser in this, to wit, the use of the word "Javaland" as a designation of the product represented the presence therein of Java coffee, when, in fact, the product contained no Java coffee and said representation was not corrected by the use of the words on the labels "Coffee, Chicory and Cereal" in small and inconspicuous type.

On February 14, 1911, the several cases coming on for hearing and it appearing that the International Coffee Co. was claimant of the several products, the court found the coffee in each case to be misbranded as alleged in the libel and condemned and forfeited it to the United States, but ordered its release to the claimant upon the payment of the costs in the several cases and the giving of a bond in each case in amounts fixed by the court on condition that the coffee should not again be sold contrary to law.

JAMES WILSON,
Secretary of Agriculture.

WASHINGTON, D. C., *December 5, 1911.*

1233

